

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**ROGER STARNER JONES, JR., MD**

**PLAINTIFF**

**V.**

**NO. 1:21-CV-136-DMB-DAS**

**PHYCON, INC., et al.**

**DEFENDANTS**

**ORDER**

On August 30, 2021, Roger Starner Jones, Jr., MD, filed a complaint in the United States District Court for the Northern District of Mississippi against Phycon, Inc.; “Healthcare Innovation Group, LLC d/b/a Relias Healthcare and other related Relias Entities;” North Mississippi Medical Center; “John Does A-J, and Jane Does A-J.” Doc. #1. Invoking diversity jurisdiction, the complaint alleged, among other things, that “Healthcare Innovation Group, LLC d/b/a Relias Healthcare is registered as a limited liability company in the State of Mississippi,” but later alleges that “Relias Healthcare … [is] incorporated … in the State of Mississippi.” *Id.* at PageID 1–2. Before service on any defendant occurred, Jones filed an amended complaint on September 24, 2021, dropping North Mississippi Medical Center as a defendant but still containing the inconsistent jurisdictional allegations with respect to “Healthcare Innovation Group, LLC d/b/a Relias Healthcare.” Doc. #5 at PageID 287–88. On January 14, 2022, before any responsive pleadings were filed, Jones filed a second amended complaint against Phycon, Relias Emergency Medicine Specialists of Tupelo, LLC, “John Does A-J, and Jane Does A-J.”<sup>1</sup> Doc. #26. The second amended complaint alleges that “Relias Emergency Medicine Specialists of Tupelo, LLC is a domestic for-profit business corporation with its principal place of business

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<sup>1</sup> The second amended complaint was filed without the Court’s leave but was treated as the governing complaint for the reasons explained in the Court’s September 23 “Opinion and Order.” See Doc. #83 at 2 n.1.

located [in] Tupelo,” and “is incorporated and doing business in ... Mississippi.” Doc. #26 at PageID 600–01.

The Court has “an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.” *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006). Diversity jurisdiction requires that there be (1) complete diversity between the parties and (2) an amount in controversy more than \$75,000. 28 U.S.C. § 1332; *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005). Complete diversity requires that “all persons on one side of the controversy ... be citizens of different states than all persons on the other side.” *Smith v. Toyota Motor Corp.*, 978 F.3d 280, 281 (5th Cir. 2020). “The citizenship of an LLC is determined by the citizenship of all its members. So, to establish diversity jurisdiction, a party must specifically allege the citizenship of *every member* of every LLC.” *Accadian Diagnostic Laboratories, L.L.C. v. Quality Toxicology, L.L.C.*, 965 F.3d 404, 408 n.1 (5th Cir. 2020) (emphasis added).

Here, clarity is required regarding Relias’ organizational form. To the extent Relias is a limited liability company, Jones failed to identify its members and the citizenship of each such that diversity jurisdiction is lacking. To the extent Relias is a corporation as alleged in the second amended complaint, Relias failed to file a corporate disclosure statement as mandated by Local Rule 7(c). Accordingly, within seven (7) days of the entry of this order, either Relias must file a statement of amendment pursuant to 28 U.S.C. § 1653 and Federal Rule of Civil Procedure 15(a) to properly allege diversity jurisdiction, or Relias must file the required corporate disclosure statement.

**SO ORDERED**, this 23rd day of September, 2022.

/s/Debra M. Brown  
UNITED STATES DISTRICT JUDGE